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NOTES OF CASES.

Necessaries of Life.—This is an action by a tradeswoman against a husband for dresses supplied defendant's wife, which are alleged to be necessary. Defendant was a man who was receiving an income of about \$40,000 a year. Before and including the time covered by the plaintiff's claim they lived a very fashionable life in New York City, and often traveled abroad, spending from \$25,000 to \$30,000 a year for their personal comfort and benefit. Between the first of October, 1901, and the last of June, 1907, the plaintiff furnished the defendant's wife, at her request, gowns and wraps to the value of \$1,563.13. The account was charged to the wife's name. The Appellate Division of the Supreme Court of New York said that the question as to what are and what are not necessities in a case of this kind depends in a large measure on the scale and style of living adopted by the defendant; that, although the debt incurred for clothing might seem large to men of moderate means, it does not follow that a jury might not find that the clothing purchased was no more numerous or expensive than was suitable according to the situation in life of defendant and his wife as established by him, and, if such be found, they were necessities within the legal acceptance of that term, and a husband is liable no matter to whom the credit is given. *Wickstrom v. Peck*, 148 New York Supplement Reporter, 596.

Agricultural Education Law Upheld.—A statute of Indiana provides that whenever twenty or more residents of a county who are actually engaged in agriculture shall file a petition with the County Board of Education for a county agent to assist in giving practical education in agriculture the board shall file such petition with county council, which body shall appropriate annually the sum of \$1,500 for the salary and other expenses of the agent; and provides for the appointment and duties of such agent and for state aid. In a mandamus proceeding the constitutionality of this statute was attacked. It was held not to be unconstitutional as conferring a special privilege on an arbitrary class, as other sections of the act provided for vocational education along other lines. The Supreme Court of Indiana in *State ex rel. Simpson v. Meeker*, 105 North-eastern Reporter, 906, said: "Of necessity, the training of one about to engage in agricultural pursuits will differ materially from that of the artisan, and different methods of instruction and different sources of information must be supplied in the two instances. * * * Thus considered, it is clear that section 12 does not confer a special privilege on an arbitrary class of persons, but supplies the method whereby the benefits of the general scheme of vocational education

are made available to one group of its beneficiaries. * * * The demand for vocational education in different parts of the state will of necessity vary in accordance with the economic needs of the people; the agricultural community presenting a situation which differs greatly from that in an industrial center." This was held to be but a reasonable method by which to determine what communities were in need of or desired such particular training. The statute was held not invalid for want of uniformity in taxation, since state taxation need only be uniform throughout the state, and county taxation uniform throughout the county. This statute was held to secure such uniformity because it is applicable to all counties alike and when an agent is engaged by any county the taxes are uniform therein.

Credibility of Witnesses.—Is the fact that a witness testifies that he warned a person not to touch a live electric wire, and that the other person replied in substance that he was not afraid of it, and took hold of it and was thereby killed, any ground for attacking his credibility? At first blush none seems apparent, but one is found by the Court of Errors and Appeals of New Jersey, in the case of *Clark v. Public Service Electric Co.*, 91 Atlantic Reporter, 83. The court says: "Practically everybody understands the danger lurking in a live electric wire. It is to be presumed that every one warned of the existence of such a wounding and death-dealing instrumentality would recoil from it. This wire was flashing fire at the time of Walsh's statement. Vice Chancellor Van Fleet, in *Earl v. Norfolk & New Brunswick Hosiery Co.*, 36 N. J. Eq. 188, said, at page 194, 'that a witness is not entitled to credit whose testimony is inconsistent with the common principles by which the conduct of mankind is naturally governed.' This judicial observation has a pointed application to the testimony to which reference has just been made. Surely it was for the jury to say in respect to the situation just adverted to whether deceased was likely to act as Walsh said he did or whether he would have been likely to shrink from contact with the flashing wire upon the well-known principle of self-preservation, quite appropriately called the first law of nature."

Caught Hair in Machine.—Petitioner quit work on her machine shortly before noon, and was preparing to go home. She was combing particles of wool out of her hair as was the custom of the girl employees. For this purpose she went to a passageway where a piece of looking-glass had been placed against a post 32 feet from her machine. It was the common practice of the girls to the knowledge of the superintendent and overseer to do as the petitioner did, and it was not forbidden. While the petitioner was combing her